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EXAMINER

PLUMMER, ELIZABETH A

ART UNIT

PAPER NUMBER

3635

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/734,941

Applicant(s)

KRESTAKOS ET AL.

Examiner

Elizabeth A. Plummer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 15-18, 25, 40-43, 48-49, 53, 67-68, 72, 78-81, 83, 94-95, 99-100 and 103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims rejected are 1-14,19-24,26-39,44-47,50-52,54-66,69-71,73-77,82,84-93,96-98,101,102 and 104-113.

### DETAILED ACTION

Applicant's amendments and arguments received 05/29/2007 have entered and considered. An examination of pending claims 1-113 is herein presented.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 20-21, 36, 45, 47, 50, 58-59, 75, 84, 96, 106 and 109 are rejected under 35 U.S.C. 102(b) as being anticipated by Corcorran et al. (US Patent 5,890,325).

a. Regarding claims 1, 59, and 84 Corcorran et al. discloses a variable configuration assembly (50) comprising at least a first partition member (60) being one of a wall member, a floor member and a ceiling member and forming a recess having a recess opening (between 62, 63, 64, etc) (Fig. 4), at least a first partition coupler (65,66,67,68) provided proximate the recess (Fig. 4), various modules (54,56,57) having at least a receivable section (85) (Fig. 5) receivable within the recess (between members 62, 63, 64, etc) and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3), at least a first module coupler (87,147,130) carried by the module and juxtaposed such that when the receivable section is in a first position within the recess, the first partition coupler and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3) and a first

release member (88,89,148) linked to one of the module couplers and the partition coupler, the release member including at least an interface section accessible outside the recess when the partition and module couplers are coupled and operable to decouple the first module coupler from the first partition coupler so that the module is removable from the recess (column 6, lines 8-13).

b. Regarding claim 50, Corcorran et al. discloses a variable configuration assembly (50) comprising at least a first partition member (60) being one of a wall member, a floor member and a ceiling member and forming a recess having a recess opening (Fig. 4), at least a first partition coupler (65,66,67,68) provided proximate the recess (Fig. 4), various modules (54,56,57) having at least a receivable section receivable within the recess and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3), and at least a first module coupler (87,147,130) carried by the module and juxtaposed such that when the receivable section is in a first position within the recess, the first partition coupler and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3).

c. Regarding claim 20, the partition member forms a partition surface about the recess (Fig. 3) and the external section of the module forms a fascia, or flat, surface, wherein the fascia surface is generally flush with the partition surface when the receivable section of the module is received within the recess (Fig. 2,3).

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- d. Regarding claims 21 and 96, the first release member (88,89,148) is linked to the first module coupler (87,147,130) and is carried by the module (Fig. 3,4,14).
- e. Regarding claim 36, 75, and 106, Corcorran et al. discloses a storage module (56) (Fig. 1,2,3; abstract).
- f. Regarding claims 45 and 109, the partition member is a partition wall member including first and second oppositely facing surfaces, the recess formed in at least one of the surfaces (Fig. 2,3,4).
- g. Regarding claim 47, the partition member (60) forms multiple recesses, including a second recess (Fig. 3,4), and the assembly further includes a second partition coupler (65,66,67,68) proximate the second recess such that the receivable section is receivable within the second recess in a second position so that the module coupler and the second partition coupler cooperate to maintain the receivable section of the module within the second recess (Fig. 2,3).
- h. Regarding claim 58, Corcorran et al. discloses a second module (storage unit 56) that performs a function different than the first module (datum shelf 54). The second module coupler (147) and the partition coupler cooperate to maintain the second module at least partially within the recess opening (Fig. 2,3).

***Claim Rejections - 35 USC § 103***

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-9, 19, 32-35, 37, 51, 60-62, 85-89, 90 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcorran et al. (US Patent 5,890,325).

a. Regarding claims 2 and 60, Corcorran et al. discloses a recess having a recess width and height dimensions (Fig. 4) and each of the modules having a module width and height dimension, the module height dimension being similar to the recess height dimension. While Corcorran et al. discloses varying widths of the modules (Fig. 2,3), Corcorran et al. does not specify that the recess width dimension is at least 1.5 times the module width dimension. It would have been a matter of obvious design choice to make the recess width dimension at least 1.5 times the module width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

b. Regarding claims 3 and 86, the recess width dimension is horizontal (Fig. 2,3,4; column 5, lines 64-67).

c. Regarding claims 4, 6, 87 and 89, Corcorran et al. discloses that the module width is formed between first and second lateral module edges, the first module coupler spaced from the first lateral edge by a first distance. Corcorran et al. does not disclose aligning indicia on the partition that indicate the module distance from the first partition coupler so that when the first edge is aligned with the indicia, the first module coupler and the first partition coupler are aligned.

However, the assembly does include aligning indicia, since the partition couplers, or slots (65,66,67,68), inherently mark where to align the module couplers and the partition couplers. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the assembly with additional aligning indicia that align with the first edge of the module rather than the coupler, as Corcorran et al. is concerned with creating an easy to configure partition system.

d. Regarding claims 5, 61 and 88, Corcorran et al. discloses multiple partition couplers (65,66,67,68) provided proximate the recess and juxtaposed such that when the receivable section is in a second position within the recess, the second partition coupler (66) and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3,4).

e. Regarding claims 7, 51, and 62, Corcorran et al. discloses a recess having a recess width and height dimensions and each of the modules having a module width and height dimension, the module height dimension being similar to the recess height dimension. While Corcorran et al. discloses varying widths (Fig. 2,3) of the modules, Corcorran et al. does not specify that the recess width dimension is a multiple of the module width dimension. It would have been a matter of obvious design choice to the recess width dimension two, three, four, five, six or seven times the module width dimension, as such a modification would have involved a mere change in size of a component. A change in size is



generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

f. Regarding claims 8 and 90, the recess forms a plurality of spaces having space widths along its width dimension and wherein the assembly includes separate partition couplers associated with and proximate each of the spaces (individual slots of 65,66,67,68), each of the space widths substantially similar to the module width, each partition coupler juxtaposed with respected to an associated space (Fig. 4), and the module coupler and the partition coupler cooperate to maintain the module within the associated space (Fig. 1,2,3,4).

g. Regarding claim 9, Corcorran et al. discloses a first module (datum shelf 54) and a second module (storage unit 56), wherein the second module has a receivable section receivable within the recess and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3). The second module has a second module has a module coupler (147) carried by the second module (56) and juxtaposed such that when the receivable section of the second module is within the recess space, the partition coupler associated with the space in the receivable section is received and the second module coupler (147) cooperate to maintain the second module within the space (Fig. 2,3). Linked to the second module coupler (147) is a second release member (148), the release member including at least an interface section accessible outside the recess when the associated partition coupler and the second module coupler are coupled and operable to decouple

the second module coupler from the associated partition coupler so that the second module is removable from the space (Fig. 2,3). The first and second modules are receivable within different recess spaces at the same time (Fig. 2,3,4).

h. Regarding claim 19, Corcorran et al. discloses a second module having a width dimension that fits within the space with dimension. While Corcorran et al. discloses varying widths of the modules (Fig. 2,3), Corcorran et al. does not specify that the second module width dimension is a multiple of the space width dimension. It would have been a matter of obvious design choice to form the module width dimension two times the space width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

i. Regarding claim 32, Corcorran et al. discloses at least one filler member (70) forming a fascia surface having a height dimension that is similar to the crease height, the assembly also including a first filler coupler (69) carried by the partition member and a second filler coupler (column 6, lines 56-64) carried by the filler member, the first and second filler couplers operable to mount the filler member within the recess opening thereby closing off at least a portion of the opening (Fig. 3). Corcorran et al. does not disclose that the width of the filler member is substantially similar to the difference between the recess width and the module width. However, it would have been a matter of obvious design

choice to form the width of the filler to be similar to the difference between the recess width and the module width, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

j. Regarding claim 33, Corcorran et al. discloses a second filler (70) forming a fascia surface having a height dimension that is substantially similar to the recess height and a width dimension that is substantially similar to the recess width (Fig. 3), the assembly further including a third filler coupler (column 6, lines 56-64) carried by the second filler member, the first and third filler couplers operable to mouth the second filler member within the recess opening thereby substantially closing off the entire recess opening (Fig. 3).

k. Regarding claim 34, the partition member forms a partition surface proximate the recess opening (Fig. 3) and the fascia surface has an appearance similar to the appearance of the partition surface.

l. Regarding claim 35, the first filler coupler (69) is a partition coupler and the second filler coupler is constructed in a similar fashion to the first module coupler (66,67,68,69) (Fig. 3,4).

m. Regarding claim 37, the first filler coupler (69) is separate from the first partition coupler (65,66,67,68) and the second filler coupler has a construction that is different than the first module coupler (Fig. 3,4).

n. Regarding claim 85, Corcorran et al. discloses a recess having a recess width and height dimensions and each of the modules having a module width and height dimension, the module height dimension being similar to the recess height dimension. While Corcorran et al. discloses varying widths (Fig. 2,3) of the modules, Corcorran et al. does not specify that the recess width dimension is a multiple of the module width dimension. It would have been a matter of obvious design choice to the recess width dimension as a multiple of the module width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

o. Regarding claim 111, Corcorran et al. discloses a variable configuration assembly (50) comprising at least a first partition member (60) being one of a wall member, a floor member and a ceiling member and forming a recess having a recess opening (Fig. 4), at least a first partition coupler (65,66,67,68) provided proximate the recess (Fig. 4), various modules (54,56,57) having at least a receivable section receivable within the recess and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3), and at least a first module coupler (87,147,130) carried by the module and juxtaposed such that when the receivable section is in a first position within the recess, the first partition coupler and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3). Corcorran et al. discloses recess having a recess width dimension (Fig. 4) and each of the

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modules having a module width dimension that is a minimum width dimension.

While Corcorran et al. discloses varying widths of the modules (Fig. 2,3),

Corcorran et al. does not specify that the recess width dimension is at least a multiple of the minimum width dimension wherein the multiple is at least two. It would have been a matter of obvious design choice to make the recess width dimension at least two times the module minimum width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

4. Claims 10-14, 22-24, 26-30, 52, 54-57, 63-66, 69-71, 73, 91-93, 97-98, 101-102 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcorran et al. (US Patent 5,890,325) in view of Kelley et al (US Patent 5,038,539).

a. Regarding claims 10, 22, 52, 63, 69, 91, 97 Corcorran et al. discloses the assembly including electrical and data linkages (Fig. 19,20; column 13, lines 38-42) proximate the recess. Corcorran et al. does not disclose a first or second module including at least one of a module data connector or a module electrical connector for linking the modules to the linkages. However, it is notoriously well known in the art of partitions that if electrical and data linkages are available they can be linked to modules which have data and electrical connectors. For example, Kelley et al. teaches a partition system assembly with relocatable and interchangeable tiles, or modules, that have data and electrical connectors, or functional components, for linking the modules to the linkages (column 5, lines 5-

17). It would have been obvious to one of ordinary skill in the art to modify Corcorran et al. to include modules with electric and data connectors, such as taught by Kelley et al., in order to make functional modules that can interface with the data and electric linkages.

b. Regarding claims 11, 12, 23, 64, 65, 70, 92, 98, 101 Kelley et al. discloses that the functional modules can comprise a video display screen module (column 5, lines 5-10) or an electronic blackboard module (column 11, lines 65-66), wherein both of the modules inherently require both data and electric connectors in order to function.

c. Regarding claim 13, 24, 28, 54, 55, 57, 66, 71, 93, 102 Kelley et al. discloses that the electrical and data linkages include recess electrical and data connectors (Fig. 3). The connectors include separate recess connectors for each of the recess spaces and that the recess connectors are mounted within the recess at specific positions (Fig. 3). While Kelley et al. does not disclose that when the recess connectors are juxtaposed with respect to the partition couplers and the module electrical and data connectors are juxtaposed with respect to the module couplers the module coupler cooperates with a partition coupler to maintain a receivable section within the associated space, and the recess connectors and the module connectors link, in order for the modules to function as designed the recess and module connectors must be linked when the module coupler and the partition coupler maintain the receivable section within the associated space.

d. Regarding claim 14, Corcorran et al. discloses a second module having a width dimension that fits within the space with dimension. While Corcorran et al. discloses varying widths of the modules (Fig. 2,3), Corcorran et al. does not specify that the second module width dimension is a multiple of the space width dimension. It would have been a matter of obvious design choice to form the module width dimension two times the space width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

e. Regarding claim 26, Corcorran et al. discloses a recess having a recess width and height dimensions (Fig. 4) and each of the modules having a module width and height dimension, the module height dimension being similar to the recess height dimension. While Corcorran et al. discloses varying widths of the modules (Fig. 2,3), Corcorran et al. does not specify that the recess width dimension is at least 1.5 times the module width dimension. It would have been a matter of obvious design choice to the recess width dimension at least 1.5 times the module width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

f. Regarding claim 27, Corcorran et al. discloses multiple partition couplers (65,66,67,68) provided proximate the recess and juxtaposed such that when the

receivable section is in a second position within the recess, the second partition coupler (66) and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3,4).

g. Regarding claim 29, Corcorran et al. discloses that the module width is formed between first and second lateral module edges, the first module coupler spaced from the first lateral edge by a first distance. Corcorran et al. does not disclose aligning indicia on the partition that indicate the module distance from the first partition coupler so that when the first edge is aligned with the indicia, the first module coupler and the first partition coupler are aligned. However, the assembly does include aligning indicia, since the partition couplers, or slots (65,66,67,68), inherently mark where to align the module couplers and the partition couplers. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the assembly with additional aligning indicia that align with the first edge of the module rather than the coupler, as Corcorran et al. is concerned with creating an easy to configure partition system.

h. Regarding claims 30, 73, 104 Kelley et al. discloses data communication service wiring and cables, or data linkages, (column 5, lines 35-40; Fig. 3). While Kelley et al. does not specify that the data linkage is an Ethernet linkage, the applicant admits that most modern partition systems include data wiring such as Ethernet (paragraph 5).



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i. Regarding claim 56, the recess forms a plurality of spaces having space widths along its width dimension and wherein the assembly includes separate partition couplers associated with and proximate each of the spaces (individual slots of 65,66,67,68), each of the space widths substantially similar to the module width, each partition coupler juxtaposed with respect to an associated space (Fig. 4), and the module coupler and the partition coupler cooperate to maintain the module coupled to the partition member (Fig. 1,2,3,4).

5. Claims 31, 74, 105 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcorran et al. (US Patent 5,890,325) in view of Brown et al. (US Patent 5,537,290).

a. Regarding claims 31, 74, and 105, Corcorran et al. discloses the invention as claimed except for further including a pan member mounted within the opening and defining the recess wherein the first partition coupler is provided within a wall of the pan member. However, it is notoriously well known in the art that a pan member can be mounted within an opening, define a recess and have a partition coupler provided within a wall of the pan member. For example, Brown et al. teaches a pan member (24) mounted within the opening of a partition member, defining a recess and providing a partition coupler (ledges along the edges of the walls) within the walls of the pan member (Fig. 3) in order to protect the inserted modules (column 3, lines 50-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Corcorran et al. to include a pan member mounted within the opening and

defining the recess wherein the first partition coupler is provided within a wall of the pan member, such as taught by Brown et al., in order to more carefully engage the modules.

b. Regarding claim 112, Corcorran et al. discloses a variable configuration assembly (50) comprising at least a first partition member (60) being one of a wall member, a floor member and a ceiling member and forming a recess having a recess opening (Fig. 4), at least a first partition coupler (65,66,67,68) provided proximate the recess (Fig. 4), various modules (54,56,57) having at least a receivable section receivable within the recess and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3), and at least a first module coupler (87,147,130) carried by the module and juxtaposed such that when the receivable section is in a first position within the recess, the first partition coupler and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3). Corcorran et al. discloses recess having a recess width dimension (Fig. 4) and each of the modules having a module width dimension that is a minimum width dimension. Corcorran et al. does not disclose including a pan member mounted within the opening and defining the recess wherein the first partition coupler is provided within a wall of the pan member. However, it is notoriously well known in the art that a pan member can be mounted within an opening, define a recess and have a partition coupler provided within a wall of the pan member. For example, Brown et al. teaches a pan member (24) mounted within the opening of a

partition member, defining a recess and providing a partition coupler (ledges along the edges of the walls) within the walls of the pan member (Fig. 3) in order to protect the inserted modules (column 3, lines 50-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Corcorran et al. to include a pan member mounted within the opening and defining the recess wherein the first partition coupler is provided within a wall of the pan member, such as taught by Brown et al., in order to more carefully engage the modules. Furthermore, while Corcorran et al. discloses varying widths of the modules (Fig. 2,3), Corcorran et al. does not specify that the recess width dimension is at least a multiple of the minimum width dimension wherein the multiple is at least two. It would have been a matter of obvious design choice to make the recess width dimension at least two times the module minimum width dimension, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

6. Claims 38-39, 44, 76-77, and 107-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcorran et al. (US Patent 5,890,325) in view of Gombrich et al. (US Patent 4,814,759).

a. Regarding claims 38, 76 and 107, Corcorran et al. discloses a recess that includes first and second opposing edges and a module that includes first and second oppositely facing edges that are proximate the first and second opposing edges when the receivable section is in the first position (Fig. 3,4). The partition

coupler includes first and second recesses proximate the first and second opposing edges (Fig. 4). Corcorran et al. does not disclose that the module coupler includes first and second extension members carried proximate the first and second oppositely facing edges and receivable within the first and second recesses. However, it is well known in the art that a module can have first and second extension members carried proximate the first and second oppositely facing edges. For example, Gombrich et al. teaches a flat panel display monitor module for use in a wall that includes a first and second extension member (32) carried proximate opposing edges and receivable within a first and second recess (Fig. 9; column 1, lines 57-60; column 2, lines 8-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Corcorran et al. to include a module with extensible arms on opposing edges and receivable within a first and second recess, such as taught by Gombrich et al., in order increase the area that the module can be viewed.

b. Regarding claims 39 and 77, the first extension member (32) is a movable member and is mounted to the module for movement along a coupling axis between extended and retracted positions wherein when the receivable section of the module is in the first position and the movable member is extended, the movable member is received in the first opening and when the receivable section of the module is in the first position and the movable member is retracted, the movable member is outside of the first opening (Fig. 9; column 2, lines 8-30).

- c. Regarding claim 44 and 108, Corcorran et al. discloses that the first opposing edge is an upper edge of the recess (Fig. 2,3).
7. Claims 46, 82, 110, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcorran et al. (US Patent 5,890,325) in view of Gallant (US Publication 2002/0104271).
- a. Regarding claims 46, 82, and 110 Corcorran et al. discloses the invention as claimed except for a locking member operable via a key wherein the locking member is useable to lock the release member such that the module coupler and partition coupler remain coupled until the key is used to unlock the couplers. However, it is notoriously well known in the art that a key can be used to lock removable modules in place. For example, Gallant teaches modules (42) including a locking member operable via a key (page 6, paragraph 61) wherein the locking member is useable to lock the release member such that the module coupler and partition coupler remain coupled until the key is used to unlock the couplers in order to prevent unauthorized access. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Corcorran et al. to include a locking member operable via a key wherein the locking member is useable to lock the release member such that the module coupler and partition coupler remain coupled until the key is used to unlock the couplers, such as taught by Gallant, in order to make a module that could only be accessed by the appropriate personnel.

b. Regarding claim 113, Corcorran et al. discloses a variable configuration assembly (50) comprising at least a first partition member (60) being one of a wall member, a floor member and a ceiling member and forming a recess having a recess opening (Fig. 4), at least a first partition coupler (65,66,67,68) provided proximate the recess (Fig. 4), various modules (54,56,57) having at least a receivable section receivable within the recess and an externally accessible section that is accessible outside the recess when the receivable section is within the recess (Fig. 2,3), and at least a first module coupler (87,147,130) carried by the module and juxtaposed such that when the receivable section is in a first position within the recess, the first partition coupler and the first module coupler cooperate to maintain the module within the recess (Fig. 2,3). Corcorran et al. does not disclose a locking member operable via a key to lock the receivable section within the recess. However, it is notoriously well known in the art that a key can be used to lock removable modules in place. For example, Gallant teaches modules (42) including a locking member operable via a key to lock the receivable section within a recess (page 6, paragraph 61; Fig. 18) in order to prevent unauthorized access. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Corcorran et al. to include a locking member operable via a key to lock the receivable section within the recess, such as taught by Gallant, in order to make a module that could only be accessed by the appropriate personnel.

***Allowable Subject Matter***

8. Claims 15-18, 25, 40-43, 48-49, 53, 67-68, 72, 78-81, 83, 94-95, 99-100 and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments filed 05/29/2007 have been fully considered but they are not persuasive.

10. Regarding applicant's argument that Corcorran et al. fails to teach a partition member that forms a recess opening where a module is received within, the module illustrated in Fig. 5 has a receivable section in bracket 85 that is capable of being received within the recess, the recess being the space between the adjacent frame members. Note that when release member (88) is coupled with the frame member the protruding edge of the bracket would be received between the frame members.

11. Regarding applicant's arguments that elements 88, 89 and 148 are couplers as opposed to release members the same properties that make the element capable of easily coupling something together make it easy to un-couple, or release two things. Elements 88, 89 and 148 are release elements because when they are uncoupled they release the module from the partition system.

12. Regarding applicant's argument that none of the modules are flush with the partition surface, the word flush can more broadly being interpreted as "having direct contact or being right next to" as defined by dictionary.com. By this definition a module

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could be considered flush if it abuts the partition surface in face-to-face, rather than edge-to-edge, contact, such as shown in Figs. 2 and 3.

13. Regarding applicant's argument that the storage module 56 is clearly not received in a recess, it is further noted that the claims as written require the module to have a "receivable section receivable within the recess." This is functional language, requiring merely that part of the module be capable of being received in a recess; it is not actually claimed that the receivable section must be received within the recess.

14. Regarding applicant's argument that it is not intuitive to provide a recess having dimensions larger than required, examiner respectfully disagrees. It is notoriously well known in the art of partition systems that recesses can be made larger than necessary in order to increase the flexibility in the position of different modules; the motivation for having larger recesses is in order to increase flexibility and customization. Corcorran et al. recognizes and emphasizes the importance of needing this flexibility and adaptability (see abstract), and illustrates multiple modules in a single recess (Fig. 1, see side-by-side twin modules 166) and the ability to place the same module in different locations within a space (Fig. 26).

15. Regarding applicants argument that Kelly would use a conventional method of wiring and there would be no automatic linking of power and data connectors when modules are coupled into recesses, it is noted that it is the features upon which applicant relies (i.e., automatically linked) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the



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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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